

## **IC 25-15-2**

### **Chapter 2. Definitions**

#### **IC 25-15-2-1**

##### **Application of definitions**

Sec. 1. The definitions in this chapter apply throughout this article.  
*As added by P.L.246-1985, SEC.1.*

#### **IC 25-15-2-2**

##### **"Alternative container"**

Sec. 2. "Alternative container" means a rigid or nonrigid receptacle or other enclosure that:

- (1) is made of a nonmetallic material; and
- (2) does not have ornamentation or an inner lining.

*As added by P.L.246-1985, SEC.1.*

#### **IC 25-15-2-3**

##### **"Board"**

Sec. 3. "Board" means the state board of funeral and cemetery service.

*As added by P.L.246-1985, SEC.1. Amended by P.L.48-1991, SEC.27.*

#### **IC 25-15-2-3.5**

##### **"Branch location"**

Sec. 3.5. As used in this chapter, "branch location" means a physical structure:

- (1) that is owned or leased by a person, not in conjunction with any other person, who owns and operates a licensed funeral home in the same or adjoining county;
- (2) where human remains are prepared for a viewing, a funeral, or final disposition after initial preparation in a funeral home;
- (3) where memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and
- (4) where funerals that are not primarily for religious or worship purposes are conducted or held.

*As added by P.L.237-1995, SEC.2.*

#### **IC 25-15-2-4**

##### **"Casket"**

Sec. 4. "Casket" means a rigid enclosure that:

- (1) is made of wood, metal, or other material;
- (2) is ornamented;
- (3) has a fixed or nonfixed inner lining; and
- (4) is designed to encase human remains.

*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-5****"Consumer"**

Sec. 5. "Consumer" means a person that:

- (1) during an individual's lifetime; or
- (2) after an individual's death;

discusses, offers to purchase, or purchases funeral goods or funeral services for the individual's human remains.

*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-6****"Cremate"**

Sec. 6. "Cremate" means to incinerate human remains and to mechanically or manually reduce the bone fragments of the remains to unidentifiable bone fragments.

*As added by P.L.246-1985, SEC.1. Amended by P.L.231-1995, SEC.3.*

**IC 25-15-2-7****"Disposition"**

Sec. 7. "Disposition" means:

- (1) interment of human remains in the earth in an established cemetery;
- (2) interment of human remains in a mausoleum or columbarium;
- (3) disposal of cremated human remains on the property of a consenting owner, on uninhabited public land, or on a waterway;
- (4) burial of human remains at sea;
- (5) delivery of human remains within the jurisdiction of the anatomical education program (IC 21-44-2) to a school, college, or physician entitled by law to receive the human remains for the promotion of science and art of medicine or dentistry; or
- (6) other final disposal of human remains.

*As added by P.L.246-1985, SEC.1. Amended by P.L.238-1987, SEC.2; P.L.2-2007, SEC.320.*

**IC 25-15-2-8****"Embalmer"**

Sec. 8. "Embalmer" means a person who is licensed as an embalmer under this article.

*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-9****"Embalming"**

Sec. 9. "Embalming" means the temporary preservation and disinfection of human remains by the internal or external application of chemicals or by other methods in preparation for disposition.

*As added by P.L.246-1985, SEC.1.*

#### **IC 25-15-2-10**

##### **"Exempted person"**

Sec. 10. As used in this chapter, "exempted person" means a person that does not perform any funeral services other than one (1) or more of the following:

- (1) Sells, as a seller licensed under IC 30-2-13 or an agent or a representative of a seller:
  - (A) funeral merchandise described in IC 30-2-13-8 at need; or
  - (B) funeral merchandise defined in IC 30-2-13-8 under a certificate of authority authorized by IC 30-2-13-33 and not funeral services defined in section 17(1), 17(2), or 17(3) of this chapter unless they are funeral services (as defined in IC 30-2-13-8) and ratified as required by IC 30-2-13-20.
- (2) Cremates human remains, but does not conduct a funeral service in conjunction with the cremation.
- (3) Cremates human remains or holds human remains less than forty-eight (48) hours for the purpose of cremating the human remains without a funeral service or memorial service in conjunction with the final disposition of the cremated remains.
- (4) Performs services for a morgue in a hospital or other facility licensed under IC 16-21 that are directly related to the purposes of the hospital or other facility.
- (5) Performs services for a school of mortuary science that are directly related to an educational purpose.
- (6) Arranges, supervises, or conducts a religious or memorial service for a deceased individual if:
  - (A) the human remains of the deceased individual are not present at the service; and
  - (B) final disposition of the deceased individual's human remains has been or will be completed under the authority of a funeral director having obtained a burial permit issued by the state of Indiana.
- (7) Conducts a religious or memorial service with the human remains of the deceased individual present if the funeral is arranged and directly supervised by a funeral director.
- (8) If the person is a cemetery, sells or offers advice concerning methods or alternatives available for final disposition of human remains.

*As added by P.L.246-1985, SEC.1. Amended by P.L.2-1993, SEC.137; P.L.237-1995, SEC.3; P.L.2-1996, SEC.270.*

#### **IC 25-15-2-11**

##### **"Funeral"**

Sec. 11. "Funeral" means a memorial service or ceremony for a deceased individual where human remains or cremated remains are present or a memorial visitation or viewing of the human remains of a deceased individual.

*As added by P.L.246-1985, SEC.1. Amended by P.L.237-1995,*

SEC.4.

**IC 25-15-2-12**

**"Funeral director"**

Sec. 12. "Funeral director" means an individual who has a funeral director license issued under this article.

*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-13**

**"Funeral director intern"**

Sec. 13. "Funeral director intern" means an individual who has a funeral director intern license issued under this article.

*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-14**

**"Funeral goods"**

Sec. 14. "Funeral goods" means goods, other than clothing, flowers, gravemarkers, and urns, that are sold or offered for sale directly to a consumer for use in connection with funeral services.

*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-15**

**"Funeral home"**

Sec. 15. "Funeral home" means a physical structure where:

- (1) human remains are prepared for a funeral or final disposition;
- (2) human remains are held for disposition;
- (3) there is an embalming room in compliance with licensure requirements of this article where at least one (1) of the following takes place:
  - (A) The embalming of human remains.
  - (B) The prevention of the spread of infectious or contagious disease from human remains.
  - (C) The aspiration of internal body fluids and gasses from human remains.
  - (D) The temporary storage of non-casketed human remains awaiting final disposition.
  - (E) The dressing, final preparation, and casketing of human remains;
- (4) memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and
- (5) funerals whose primary function is not for a religious or worship purpose are conducted or held.

*As added by P.L.246-1985, SEC.1. Amended by P.L.237-1995, SEC.5.*

**IC 25-15-2-16**

**"Funeral home licensee"**

Sec. 16. "Funeral home licensee" means a person that has a funeral home license issued under this article.

*As added by P.L.246-1985, SEC.1.*

#### **IC 25-15-2-17**

##### **"Funeral services"**

Sec. 17. As used in this chapter, "funeral services" means:

- (1) accepting, holding, caring for, or preparing human remains for a funeral or final disposition, including embalming (where authorized) and the practice of restorative arts;
- (2) at need counseling of survivors of a deceased individual on:
  - (A) the services, methods, and alternatives for final disposition of human remains; and
  - (B) the requirements of federal and state law applicable to the sale of funeral services and merchandise;
- (3) arranging, supervising, or conducting a funeral service in conjunction with the memorialization or the disposition of human remains, (however, "funeral services" does not include interment services performed in a cemetery by cemetery personnel), including attendance at services held in cemeteries or crematories where third persons are directly responsible for the physical acts associated with interment or final disposition of human remains;
- (4) selling or offering to sell funeral merchandise described in IC 30-2-13-8 to a consumer at the time of need or in advance of need;
- (5) selling or offering to sell funeral services described in IC 30-2-13-8 at the time of need or in advance of need;
- (6) managing a funeral home or branch location licensed under IC 25-15-4-1 or IC 25-15-4-1.1; and
- (7) arranging for the final disposition of human remains in compliance with public health and safety laws and in a manner that prevents the spread of infectious disease.

*As added by P.L.246-1985, SEC.1. Amended by P.L.207-1993, SEC.3; P.L.237-1995, SEC.6.*

#### **IC 25-15-2-18**

##### **"Human remains"**

Sec. 18. "Human remains" means any part of the body of a deceased individual. The term includes human remains that have been cremated.

*As added by P.L.246-1985, SEC.1.*

#### **IC 25-15-2-19**

##### **"Licensee"**

Sec. 19. "Licensee" means a person that has been issued a license under this article.

*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-20****"Outer burial container"**

Sec. 20. "Outer burial container" means any container that is designed for placement in a grave around a casket or alternative container. The term includes a burial vault, grave box, or grave liner.  
*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-21****"Person"**

Sec. 21. "Person" includes a partnership, limited liability company, corporation, trust, or other business association.  
*As added by P.L.246-1985, SEC.1. Amended by P.L.8-1993, SEC.381.*

**IC 25-15-2-22****"Practice of funeral service"**

Sec. 22. As used in this chapter, "practice of funeral service" means:

- (1) the application of the principles, methods, and techniques of mortuary science to the delivery of funeral services;
- (2) the counseling of individuals concerning methods and alternatives for the final disposition of human remains;
- (3) the prevention of the spread of infectious and contagious disease from human remains; and
- (4) compliance, in the delivery of funeral merchandise and services, with laws relating to health, public safety, and the environment.

*As added by P.L.246-1985, SEC.1. Amended by P.L.237-1995, SEC.7.*

**IC 25-15-2-23****"Practitioner"**

Sec. 23. "Practitioner" means an individual who is a funeral director, an embalmer, or a funeral director intern.  
*As added by P.L.246-1985, SEC.1.*

**IC 25-15-2-24****"Protection order"**

Sec. 24. "Protection order" means an injunction or other order issued by a tribunal of the issuing state or Indian tribe to prevent an individual from:

- (1) engaging in violent or threatening acts against;
- (2) engaging in harassment of;
- (3) engaging in contact or communication with; or
- (4) being in physical proximity to;

another person. The term includes temporary and final orders issued by civil and criminal courts.

*As added by P.L.94-2010, SEC.7.*